

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-220—SB 38

Government Administration and Elections Committee

Judiciary Committee

**AN ACT CONCERNING ACCESS TO INFORMATION CONCERNING
THE DIVISION OF PUBLIC DEFENDER SERVICES AND SECRET
BALLOTS OF VOLUNTEER FIRE DEPARTMENTS UNDER THE
FREEDOM OF INFORMATION ACT**

SUMMARY: This act exempts from disclosure under the Freedom of Information Act (FOIA) personnel, medical, or similar files of current or former employees of the Division of Public Defender Services to people in the custody or supervision of the Department of Correction (DOC) or confined in a facility of the Whiting Forensic Division of Connecticut Valley Hospital. The exemption includes records of the division's (1) security investigations of such employees and (2) investigations of discrimination complaints by or against the employees.

The act also requires public agencies to waive any fees for providing records requested under FOIA if the requestor (1) is a member of the Division of Public Defender Services or court-appointed special assistant public defender and (2) certifies that the records pertain to his or her duties. It specifies that, for purposes of FOIA, the Division of Public Defender Services is considered a judicial office. By law, a judicial office is subject to FOIA only with respect to its administrative functions.

Lastly, the act specifically exempts from disclosure under FOIA secret ballots used for volunteer fire department officer elections.

EFFECTIVE DATE: October 1, 2011

BACKGROUND

Disclosure of Personnel, Medical, or Similar Files

By law, unless specifically exempted, personnel, medical, and similar files are subject to disclosure under FOIA unless disclosure would constitute an invasion of personal privacy (CGS § 1-210(b)(2)). Under case law, disclosing these files is an invasion of privacy if the (1) records are not of legitimate public concern and (2) information in the files would be highly offensive to a reasonable person (*Perkins v. FOIC*, 228 Conn. 158 (1993)).

Administrative Functions

In *Clerk of the Superior Court, Geographical Area Number Seven et al. v. Freedom of Information Commission*, 278 Conn. 28 (2006), the Connecticut Supreme Court ruled that, for purposes of FOIA, a judicial office's administrative functions consist of activities relating to its budget, personnel, facilities, and physical operations.

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OLR Tracking: TA:JKL:VR:ro/ts